

RULES AND PUBLIC POLICY COMMITTEE

DATE: August 10, 2011

CALLED TO ORDER: 6:10 p.m.

ADJOURNED: 9:23 p.m.

ATTENDANCE

ATTENDING MEMBERS

Michael McQuillen, Chairman
Bob Cockrum
Monroe Gray
Robert Lutz
Angela Mansfield
Angel Rivera
Joanne Sanders
Ryan Vaughn

ABSENT MEMBERS

AGENDA

PROPOSAL NO. 188, 2011 - amends portions of the Code pertaining to the permitting, licensing, and organization of activities related to special events licensed by the department of code enforcement, and adds a new chapter creating an annual license for ticket brokers engaged in the sale or resale of tickets on public streets, sidewalks, and alleys

"Do Pass As Amended"

Vote: 7-1

PROPOSAL NO. 211, 2011 - amends the Code to revise various sections to reflect the transfer of the water and wastewater systems to the Department of Public Utilities of the City of Indianapolis, acting by and through the Board of Directors for Utilities and to CWA Authority, Inc. of Citizens, respectively, and makes corresponding technical corrections

"Do Pass As Amended"

Vote: 7-1

PROPOSAL NO. 212, 2011 - transfers funds to a non-reverting Utility Monitoring fund, to a non-reverting RebuildIndy fund and non-reverting Fiscal Stability fund and amends the 2011 City-County Budget by appropriating \$100,000 to the City-County Council and \$104,700,000 to the Department of Public Works

Do Pass"

Vote: 7-1

FISCAL IMPACT STATEMENT OF F.O.P. CONTRACT for Park Rangers and Public Safety Officers – Samantha Karn, Office of Corporation Counsel, and Jeff Spalding, Office of Finance and Management

"Accepted"

Vote: 8-0

RULES AND PUBLIC POLICY COMMITTEE

The Rules and Public Policy Committee of the City-County Council met on Wednesday, August 10, 2011. Chairman Michael McQuillen called the meeting to order at 6:10 p.m. with the following members present: Bob Cockrum, Monroe Gray, Robert Lutz, Angela Mansfield, Angel Rivera, Joanne Sanders and Ryan Vaughn. Councillor Ben Hunter was also in attendance. General Counsel Robert Elrod and Chief Financial Officer James Steele represented Council staff.

Chairman McQuillen asked Committee members to introduce themselves and indicate which portion of the county they represent. He asked for consent to move the fiscal impact statement first on the agenda. Consent was given.

FISCAL IMPACT STATEMENT OF F.O.P. CONTRACT for Park Rangers and Public Safety Officers – Samantha Karn, Office of Corporation Counsel, and Jeff Spalding, Office of Finance and Management

Samantha Karn, Corporation Counsel, and Jeff Spalding, City Controller, gave a brief presentation on the contracts for the public safety officers and park rangers. Ms. Karn referred to the collective bargaining agreement summaries (Exhibit A) and said that the public safety officers (PSO) have been making far less than the public information officers; and therefore, a new provision in their contract raises the PSO salaries up to \$30,000, so that anyone being paid under that will see a salary increase. Those earning over \$30,000, however, will not see a change in their salary and will not be decreased. She said that salary increases are scheduled at 1% for 2012 and 3% for both 2013 and 2014, with the ability to re-open negotiations those years like what was done with the Indianapolis Fire Department (IFD) and Indianapolis Metropolitan Police Department (IMPD) contracts.

Councillor Lutz said that he wants to be clear that they are not talking about sworn merit police officers. Ms. Karn said that this is correct. She said that PSOs direct traffic, handle non-emergency calls, and provide technical assistance.

Councillor Sanders asked if the PSOs would have the opportunity to negotiate for more than the 3% increase. Ms. Karn said that the re-opener clause results in no guarantee of a 3% increase. Mr. Spalding added that if there is some kind of economic trigger or economic circumstance that changes the revenue stream, and the result is that the city does not have the funds sufficient to support a 3% increase, the city can then opt to re-open the contract for further negotiations. Councillor Sanders said that this is not really a guarantee of a 3% increase, then. Mr. Spalding said that it is, if the economic triggers support those revenues. In that case, there will be no need for further negotiation.

Councillor Gray said that this is simply the possibility of a 3% increase if everything works out. Mr. Spalding said that the 3% is guaranteed if economic factors work out. Councillor Gray asked if economic factors do not work out, if there is then no increase. Mr. Spalding said that in that case, the city has the opportunity or option to re-negotiate the contract, although there is nothing to mandate that they do so. Councillor Gray asked if the PSOs could re-negotiate a higher increase. Ms. Karn replied in the affirmative and said that this is a two-way re-opener.

Ms. Karn reviewed information regarding going from a quartermaster system to a clothing allowance for uniforms. Clothing allowance will be \$400 for 2011 and 2012, and will increase to \$450 in 2013 and 2014.

Councillor Sanders asked how the PSO clothing allowance compares with that of sworn officers. Ms. Karn said that the PSO allowance is less than for sworn officers, and she believes it is \$900 a year for sworn officers, but would have to look it up to be sure. She said that there is a difference between their uniforms regarding wear and tear and the initial cost. She said that they looked at the items the officers have to have as a base, accessories needed, and how often those items need replaced.

Councillor Vaughn moved, seconded by Councillor Lutz, to "Accept" the collective bargaining agreement summary and fiscal impact statement for the public safety officers. The motion carried by a vote of 8-0.

Ms. Karn said that the park ranger agreement is similar, except that they did not previously have a longevity agreement, and this was added by the Department of Public Safety (DPS) in order to be fair across the board. She said that the move from a quartermaster system to a clothing allowance is essentially the same as with the PSOs. She added that the park rangers also have a shift differential pay of \$0.35 per hour, which will remain in place for 2012 and then increase to \$0.40 and \$0.50 in 2013 and 2014, respectively. She added that their college incentive pay also changed in order to mirror that of other Fraternal Order of Police (FOP) members.

Councillor Sanders asked if the budgets in effect for 2011 will be impacted by these statements. Mr. Spalding said that there are no pay increases for 2011, and the rest of the bargaining points are affordable within existing appropriations for this year.

Councillor Lutz moved, seconded by Councillor Vaughn, to determine that the fiscal impact of the tentative agreements for both PSOs and park rangers are acceptable and to recommend finalizing the bargaining agreements as stated in the fiscal impact statement. {Clerk's Note: The Fiscal Impact Statement is attached as Exhibit B.} The motion carried by a vote of 8-0.

PROPOSAL NO. 188, 2011 - amends portions of the Code pertaining to the permitting, licensing, and organization of activities related to special events licensed by the department of code enforcement, and adds a new chapter creating an annual license

for ticket brokers engaged in the sale or resale of tickets on public streets, sidewalks, and alleys

Rick Powers, director of the Department of Code Enforcement (DCE), thanked the stakeholders, citizens and Councillors for their input and stated that many of the amendments being offered this evening came from that input. He gave a brief powerpoint presentation and explained the benefits of the proposed ordinance:

- Provides flexibility,
- Makes it easier for neighborhoods to host events,
- Provides preference and opportunities for local businesses,
- Reduces government oversight and regulation,
- Protects all parties, as evidenced by the broad range of stakeholder support,
- Reduces costs for event approvals, and
- Negates the overwhelming bureaucracy that existing laws across a broad spectrum require that would legally allow events to take place, or worse, expressly prohibit.

Mr. Powers gave several examples of the permitting and licensing currently required for small block parties, a festival by a church or other organization and a large fair or championship sport tournament, versus that which will be required under the new ordinance. He said that there is considerably less bureaucracy and cost involved with the new process.

Chairman McQuillen asked if before DCE was created, an event organizer would have to travel between many different agencies to get various permits. He asked if DCE was envisioned as a one-stop shopping alternative. He further asked if, taking the example of the Indiana Black Expo, what the savings might be for that group under the new system, as opposed to the old system. Mr. Powers said that he does not know the exact savings, but it would be thousands of dollars. He said that not only is all the licensing, permitting and inspection now consolidated within one department, but so is enforcement. He said that some event planners did not even know about some of the existing laws, and this helps to show a better sense of responsibility in the oversight of special events in order to protect citizens, businesses and vendors.

Chairman McQuillen asked what the old versus new costs would be for a neighborhood block party. Mr. Powers said that it would depend on what functions take place at the block party. He said that there is some cost for signage, but most would probably no longer require any license or fee. Adam Collins, administrator of the Bureau of License and Permit Services, DCE, stated that probably about a third of the total events now requiring a license would no longer require licensing under the new proposal.

Councillor Rivera said that he has been contacted by several neighborhood associations regarding events that stopped taking place because the organizers could

no longer afford the fees. He said that, hopefully, with this new process in place, many of those events can start happening again.

Councillor Rivera said that he has a lengthy amendment that he would like to propose. Chairman McQuillen asked if any committee members have seen this amendment previously. Councillor Rivera responded in the negative. Chairman McQuillen stated that Councillor Hunter offered an amendment at the last meeting, and members have already had a chance to look at it. Therefore, he would like to take up this amendment first, to give members time to look over Councillor Rivera's amendment.

Councillor Hunter stated that his amendment has been changed slightly, and he reviewed the changes proposed. {Amendment is attached as Exhibit C.}

Councillor Sanders stated that as a friendly amendment, she would offer that the word "impart" in Sec. 401-301 under the definition of "public venue" in the amendment should read "in part." Councillor Hunter accepted this friendly technical amendment to his proposed amendment.

Councillor Gray asked why Sec. 401-301 is needed. Councillor Hunter said that most venues do an excellent job, essentially paying off-duty officers for security, and have already set high standards. However, if an event organizer is requesting taxpayer funded officers, this would regulate the amount of personnel used and the issuance of credentials. Councillor Gray said that stadiums usually use their own security force, and would therefore determine themselves how much they pay for public safety. Councillor Hunter said that stadium games are perhaps not the best example, as most of them are under contract. He said that a circus taking place at Conseco Fieldhouse might be a better example. In this instance, the event organizer would know how much security is needed to make their event safe. There would be no need for the city to mandate that they use 100 public safety officers for a circus, when typically, security is handled by 18 to 20 people.

Councillor Lutz said that he is not clear regarding Sec. 401-302 (d). Councillor Hunter said that Councillor Lutz has an earlier version of the amendment, and he asked for copies of the most recent version, which clears up this language somewhat. He said that it would be unfair to the organizers of a popular concert to be required to hand out 50 extra credentials for officers to attend the venue for free, under the guise of offering public safety. He said that if inspections are being performed or security is needed, then credentials should be granted; but they should not be used for personal access.

Councillor Lutz suggested that the word "municipal" be inserted before the word "code" in Sec. 401-302 (e). General Counsel Robert Elrod suggested that the word "this" be inserted instead, and that the word "then" be changed to "than" and the word "for" inserted before the word "other" in the same paragraph. Councillor Hunter accepted these friendly technical changes to his proposed amendment.

Councillor Vaughn moved, seconded by Councillor Rivera, to "Amend" Proposal No. 188, 2011 as per Exhibit C, with the technical amendments. The motion carried by a vote of 8-0.

Councillor Rivera provided a clean version and red-lined version of a proposed amendment, and briefly reviewed the proposed changes. {Councillor Rivera's red-lined amendment is attached as Exhibit D.} He said that the first change suggested deals with signage and addresses some concerns raised by both himself and Councillor Mansfield. The second change allows for a person to sell an extra ticket up to an additional 15% of face value, due to ticketmaster fees and taxes which might be assessed. A person should not have to procure a license in order to recoup their money for a ticket they cannot use. He added that the changes in Sec. 841-109 are common sense regarding where a ticket broker can stand and signage they can use. He said that, in an attempt to address Councillor Jackie Nytes' concerns regarding no new regulation, he included additional language in the "special event" definition and deleted item number six in that same definition. He said that the changes proposed in Sec. 996-110 provide that those who own or lease property in a clean zone be notified and informed of changes to regulations in those areas. He added that Sec. 986-112 provides that the board of code enforcement will set the rules for enforcement. Councillor Rivera said that there has been a lot of debate regarding Sec. 986-113 and parking on residential properties. He said that as long as an individual owns or long-term leases a property, does not cross onto their neighbor's property without permission, and does not encroach upon any curbs or sidewalks, they are permitted to allow parking in their front yard or other parts of their property without paying any fees or registering. He said that technically, this is currently prohibited without a commercial parking zoning designation and parking lines drawn, even though it often happens, such as in neighborhoods near the Indianapolis 500 Speedway. This also removes the language involving this same issue from Sec. 986-201. Secs. 986-304 and 305 deal with parade routes and exempts those parades held for sports teams, such as Butler Bulldogs or the Indianapolis Colts in the case of a College or SuperBowl championship. He said that it also allows for community parades within neighborhoods, instead of locking all parade events into the downtown parade route. He thanked DCE staff for helping him draft this amendment and listening to the concerns of Councillors and citizens.

Councillor Rivera moved, seconded by Councillor Vaughn, to "Amend" Proposal No. 188, 2011 as per Exhibit D.

Councillor Mansfield asked if the Pride Parade, which usually begins on Massachusetts Avenue would have to adhere to the designated downtown parade route. Mr. Powers said that the first sentence of Sec. 986-305 (a) should cover this deviation. Councillor Mansfield asked if any organization is included in Sec. 986-304 (8), or if they should qualify this language by adding the word "sports" before the word "organization" to make it consistent with the sports team language. Councillor Rivera said that he would accept this addition as a friendly technical amendment to his motion.

Councillor Mansfield thanked the director and his staff for working on this issue and meeting with lots of concerned parties, including herself. She said that many people are dubbing this proposal the SuperBowl ordinance, and while the SuperBowl may have spurred it on, it is much more than that. This is something the city should have had in place many years ago. If they had, maybe there would not be the problem they have today with counterfeit tickets. She said that this is a good compromise, a good start, and she sees it as very necessary.

Mr. Elrod said that the motion to amend should also include that Sec. 986-111 be changed to incorporate the changes already made by Councillor Hunter's amendments, and that the staff clean up and coordinate the section numbers accordingly so that they are in the proper order. Councillor Rivera accepted these friendly technical amendments to his amendment and so moved. Councillor Vaughn again seconded the motion. The motion to "Amend" Proposal No. 188, 2011 further as per Exhibit D, with technical corrections, carried by a vote of 8-0.

Councillor Vaughn moved, seconded by Councillor Mansfield, to send Proposal No. 188, 2011 to the full Council with a "Do Pass As Amended" recommendation.

Chairman McQuillen called for public testimony.

Aldwin Stevenson, Choice Quality Service, asked what the purpose is for someone purchasing a ticket brokering permit, if they can only sell the ticket at up to 15% of face value. Councillor Rivera said that someone who pays the fee and secures a ticket brokering license can charge as much as they want. The 15% was added for those who do not have a license selling within the mile range of the venue. Outside of that range, they could also mark up the ticket price further, even without a license. Mr. Stevenson said that he believes they are heading in the right direction with this proposal, but he still believes they should consider charging more for permit fees. He said that Speedway charges \$200 for their permits. Chairman McQuillen asked Mr. Powers if DCE continues to evaluate costs and fees. Mr. Powers answered in the affirmative, and said that they base fees on actual costs of administration, and he realizes that this puts them below most other comparable cities' fees.

Pat Andrews, citizen, said that she is distressed about one person overriding existing laws without a public hearing or input from citizens. She said that lots of illegal signage could be approved by one person, and while the process as it stands may seem bureaucratic to some, it provides for public input, which is a valuable asset in a democracy. She said that she has repeatedly asked for a list of the agreed specifications for what the SuperBowl is requiring of the City of Indianapolis, and has had no success. She said that this ordinance was written to encompass those requests, but the way it is written, all of that remains in the dark. She said that it seems the DCE board or one licensing administrator has sole discretion in allowing permits for signage that goes against the sign ordinance. She said that if laws are in error, they

should change the laws. If they are not, and the laws are good enough for the citizens of Indianapolis, then they should be good enough for visitors to the city. She said that the notification for those living in the clean zone should be timely so that they have the opportunity to take advantage of licensing and weigh in on whether it is a good idea. She said that this process casually tosses aside public input. Chairman McQuillen said that tonight's hearing is the second public hearing held on this ordinance, and public input was allowed at both.

Norman Pace, Marion County Alliance of Neighborhood Associations (MCANA), thanked the chair for allowing public comment. He said that this proposal has passed through too quickly, and he received notice of the ordinance on a Friday, with the first hearing being held the next Monday. He said that he does not know what the National Football League (NFL) agreement is all about, and while he is not party to all the stakeholders, it seems most of them are money-making opportunists. He said that he was part of the original sign ordinance committee and he would not like to see the sign ordinance tarnished. He said that at the Women's World Cup Soccer games on television, the baseboard of the stadium had moving digital signs that distracted from the focal point of the game itself and he asked if that is what they can expect in Indianapolis. He said that the process of allowing neighborhood involvement in the decision-making is vital and he would like to see that consideration.

Linda Floyd, Babe Denny Neighborhood, said that she is concerned about prohibiting vehicles from parking over a sidewalk or curb. She said that on Senate Avenue and Wyoming Street, those curbs and sidewalks are so eroded, that it is hard to know where they begin and end. She said that the city badly needs to address this area. Councillor Gray agreed that this is a neglected area, and not just on that corner, but on several streets in that vicinity. Chairman McQuillen said that he has only been on the Council for three years and this is not his district, but asked if it is in such disrepair, why it was not addressed before now. Councillor Gray said that it was due to the cost factor and preferential treatment being given to other neighborhoods. Chairman McQuillen asked Ms. Floyd to give the clerk information and he would look into any plans for repairs in that area.

Kelli Whiting, Department of Food and Public Safety, Marion County Health Department (MCHD), said that food vendors are regulated by MCHD and pay a fee to them for licensing. She said that now it seems they will also need to pay a fee to DCE and receive inspection by them. She said that she is concerned because MCHD regulates food establishments in the city, and there are health code requirements. She said that granting a special vendor license may be confusing to some individuals so that they think they do not need to have a license from the health department, also. She said that she is confused about what kind of inspections DCE might be doing, when the MCHD already regulates food vendors, and it seems they are overlapping duties. Mr. Powers said that their licensing would entail that each vendor is checked to make sure that they are legally licensed with MCHD. DCE's process is not a food quality or safety issue, but rather deals with an establishment that blocks a public right-of-way. He said that this is

actually a double-check for the MCHD to make sure these vendors are fully covered and have all the required licenses. Councillor Rivera added that a checklist for vendors will still have to be provided to make sure they have all the licenses they need. He said that this is only for temporary vendors who do not already have a license to operate in Indianapolis. Ms. Whiting said that if it is not a food event, it seems they would not need MCHD's license, such as with Race for the Cure. Councillor Rivera said that they would all still need the MCHD license if they are selling food, and that is not being changed in any way. He said that this additional license is just for non-food events. He said that they are not trying to make it more difficult for food festivals to secure food vendors. Ms. Whiting said that she would like to see them add language about abiding by all state and county rules. She asked if the event advisory board will still continue. Mr. Powers answered in the affirmative. Councillor Rivera asked if they could look at adding this language. Mr. Collins said that there is already a provision in the ordinance that mandates compliance with all applicable state and federal laws. Councillor Mansfield said that she feels adding this language is unnecessary, as local laws do not override state or federal laws, and it is common sense that these laws still apply.

Councillor Mansfield said that she feels very strongly about the sign ordinance, as many individuals worked very long and hard on that. She said, however, that she does not feel this proposal usurps that, and if they see the sign ordinance being abused, they can come back and address it. She added that the signage in a stadium has nothing to do with city officials or administration and is not within their purview. She said that she feels strongly about signage and would like to see billboards in neighborhoods come down, but does not feel this proposal violates the sign ordinance in any way.

Ms. Andrews asked how she can find out the items being required of the city in order to host the SuperBowl. She said that she has tried to find the answer to this, and is not getting anywhere. Ms. Karn stated that the city did receive a public records request from Ms. Andrews, and she is not sure of the date of that request, but that request has not yet been closed out and is an open request. Therefore, they are still working on providing that information to Ms. Andrews. Councillor Mansfield asked if City Legal has a copy of the contract. Ms. Karn said that she has not seen any such contract. Councillor Sanders said that this contract is more likely in the possession of the SuperBowl Committee. Mel Raines, SuperBowl Committee, said that anything required by the NFL in their SuperBowl bid was more than covered in this ordinance. Councillor Mansfield said that these were most likely things that needed to be addressed anyway. She asked Ms. Raines to get with Ms. Andrews to help expedite her records request. Ms. Raines agreed to do so.

Councillor Gray said that two parts of the city most impacted by these regulations did not seem to be included in discussions, by looking at the list of stakeholders. Mr. Powers showed Councillor Gray the references to the neighborhood associations on the stakeholders list, and said that they did indeed reach out to all those affected, and met again with some even as recent as yesterday.

The motion to send Proposal No. 188, 2011 to the full Council with a "Do Pass As Amended" recommendation carried by a vote of 7-1, with Councillor Lutz casting the negative vote.

Councillor Lutz thanked Ms. Karn and Mr. Powers for a lot of discussion and helping them understand the ordinance. He said that he is an advocate for reducing the size of government and this proposal takes a substantial step in doing that. He added that he also believes there is no significant imposition on the sign ordinance, but he still has some issues and concerns that he would like further information about and is not yet ready to support it. He thanked the administration for their willingness to listen to his concerns.

Chairman McQuillen called for a brief recess at 7:42 p.m. The Rules and Public Policy Committee was reconvened at 8:00 p.m.

Councillor Vaughn asked for consent to consider Proposal Nos. 211 and 212, 2011 together, as they both deal with the same subject matter. Councillor Sanders said that she would prefer they be considered separately. Chairman McQuillen asked if the proposals could be presented together, but separate votes taken. Consent was given.

PROPOSAL NO. 211, 2011 - amends the Code to revise various sections to reflect the transfer of the water and wastewater systems to the Department of Public Utilities of the City of Indianapolis, acting by and through the Board of Directors for Utilities and to CWA Authority, Inc. of Citizens, respectively, and makes corresponding technical corrections

PROPOSAL NO. 212, 2011 - transfers funds to a non-reverting Utility Monitoring fund, to a non-reverting RebuildIndy fund and non-reverting Fiscal Stability fund and amends the 2011 City-County Budget by appropriating \$100,000 to the City-County Council and \$104,700,000 to the Department of Public Works

Chris Cotterill, Chief of Staff, Mayor's Office, gave a brief presentation (attached as Exhibit E) regarding the process to transfer the water and wastewater systems to Citizens Energy Group (CEG) as approved by the Council last year. He introduced Rich Hill, attorney with Baker and Daniels acting as transaction counsel, and stated that 20 some days ago, the Indiana Utility Regulatory Commission (IURC) approved the deal, which was one of the final steps, and they anticipate closing within the next couple of weeks. Mr. Cotterill said that Proposal No. 211, 2011 revises sections of the Code to reflect the new ownership by CEG, repeals sections relating to city obligations that now fall to CEG or the CWA (Clean Water Act) Authority, removes outdated references and makes other technical corrections. He shared a section-by-section review of the proposal, as outlined in Exhibit E.

Councillor Sanders asked, if the dissolution of the Department of Waterworks is effective upon closing, how this will affect the board, as it is still technically intact. She

asked if the dissolution of the board is a separate action. Mr. Cotterill said that the repeal of Sec. 273 dissolves the board. Councillor Sanders said that the Council will likely vote on this proposal on Monday night, thereby repealing Sec. 273, yet the closing may not be for another couple of weeks. Mr. Hill said that there are several sections regarding effective dates of the ordinance, and Section 30 ensures that provisions that repeal sections of the Code only become effective upon certification that closing has occurred. They would therefore remain intact until that certification occurs and normal public notice takes place.

Councillor Rivera asked in a case where CEG fails to meet the requirements of the consent decree on time and are assessed fines, if the Environmental Protection Agency (EPA) will allow the city to transfer the fines to CEG, as with other responsibilities. Mr. Hill said that the EPA is requiring that the CWA Authority become a party to the consent decree, and there are other provisions of the purchase agreement related to indemnification surrounding this and other issues. Going forward, as CEG assumes total responsibility, the CWA Authority would be responsible for any subsequent fines.

Mr. Cotterill continued with the presentation and gave some projections regarding transaction finances, both high and low.

Councillor Sanders referred to the escrow account and said that she believed it was announced that the \$29 million to close out the Veolia Water contract would be coming out of the escrow account. She asked why this is not reflected and if there has been a payment to Veolia yet. Mr. Cotterill said that this amount is included in the total escrow amount reflected, and the payment will be made upon closing. If the transaction does not close, Veolia will not receive that money. He said that they will not actually know the final escrow cost for a couple of years, but they will know the other actual costs portrayed in the presentation at closing within the next 60 to 90 days. He said that as per ordinance, the controller will have to come back to the Council with final numbers.

Councillor Sanders referred to the Septic Tank Elimination Program (STEP) and said that there are rumors that some STEP projects will no longer be funded after the transaction. She said that she believes the Council should have a project list about what the \$4.7 million for STEP actually covers and what projects have been pushed into future years with no hope for remedy. Mr. Cotterill said that he can get committee members a list of STEP projects approved by the IURC. He added that the \$4.7 million does not tie to actual projects, but represents financial costs. Councillor Sanders said that several homeowners are concerned about where they stand and if they will have to go back to a Barrett's Law situation. She added that she has not received any information about what the IURC actually approved, except what she read in the paper. As the fiscal body overseeing this transaction, she finds that disconcerting. She said that she understands some information may be proprietary, but since elected officials are asked questions continually of the citizens, she would appreciate the administration sharing all the information they can with Councillors. Mr. Cotterill said that he will provide each member a full copy of the report. Councillor Lutz said that it is a matter of

public record, and although he did not get a copy from the administration, he did receive a copy. Councillor Sanders said that she is not a lawyer with additional connections, but as the elected fiscal body, they should be receiving that information from the administration. Mr. Cotterill said that he will be happy to provide the order itself, as well as a summary for clearer understanding.

Mr. Cotterill continued with his presentation and explained the funds that were created by previous Council action: the RebuildIndy Fund, the Fiscal Stability Fund and the Utility Monitoring Fund. He reviewed these funds and provided a section-by-section review of the fiscal ordinance, Proposal No. 212, 2011, as per Exhibit E. Mike Williams, Chief Financial Officer (CFO), Public Works Department (DPW), provided a handout (Exhibit F) of the graph included in the presentation detailing 2011 DPW Projects and Special Appropriations.

Councillor Sanders said that up until now, she was not privy to the breakdown of appropriations included in this graph. She said that this is vital information, and as the fiscal body concerned about where the money is going, they should have been privy to all of this information prior to this evening. Mr. Cotterill said that this specific graph was created for the presentation this evening, but information has been available on the website for quite a while, and other updates have been provided to Councillors by DPW on a regular basis. He said that he apologizes that he did not appreciate the fact that Councillor Sanders might want this specific breakdown. He said that the proposal was just filed four weeks ago and they have been preparing additional information and breakdowns since that time and looking at how the funds are being invested in infrastructure. He said that in this ordinance, they put one-third of the remaining funds into the Fiscal Stability Fund, which monies cannot be used without further Council approval. Councillor Sanders said that the proposal indicates DPW and their board can use those funds as they see fit. Mr. Cotterill said that only \$80 million will go into the Fiscal Stability Fund, with \$161 million going into the RebuildIndy Fund. This chart reflects only the \$45 million provided to DPW for remaining projects in 2011, and the \$4.7 million for STEP projects. After the 2011 appropriations included in this ordinance, there remains an estimated \$241.8 million unappropriated.

Councillor Mansfield said that she did send an e-mail to DPW wanting more information regarding this \$49.7 million, and the staff person responded in general terms consistent with what she had already read, and she would have loved to have seen this graph. She added that she believes the city has lots of infrastructure needs, and she is not keen about spending these dollars on abandoned housing. With so much money coming in, she does not want to micromanage the process, but still wants the funds to be used in a prudent approach. She said that she does not want to see the funds all being used for the "SuperBowl Scrub" in just one area of the city. She said that her constituents have paid into these monies and continue to pay with increased water and sewer rates, and if all the funds go to help only one area of the city, her constituents will not be happy. Mr. Cotterill said that he agrees that the administration and staff needs to be responsive to Councillors, and there seems to be some kind of disconnect about the

level of detail some members expect. He said that there is a website, RebuildIndy, that has all of the projects listed. Councillor Mansfield said that the detail being provided now should have been provided to them prior to the meeting, and the administration should kill them with information for a transaction this complex and important. She said that this should not be the first time they have seen a slide like this. Mr. Williams said that the project list is very detailed and continuously being updated. He said that they have followed the normal DPW process with these projects, but have been able to provide advance implementation with the influx of these funds. Councillor Mansfield asked if there is a list that tie into these numbers. Mr. Williams responded in the affirmative. Councillors Sanders and Mansfield stated that they would like to receive a copy of this list. Councillor Vaughn said that he received a map of his district with projects scheduled, costs associated, etc. so that he was able to get a good picture of what is happening in his district. Mr. Cotterill said that this information is available on the RebuildIndy website.

Councillor Mansfield asked if the escrow funds cover existing tort claims. Mr. Hill responded in the negative, and said that DPW has created a separate reserve for tort claims, and those are not paid out of the escrow account. Councillor Mansfield said that the Public Works Committee recently approved the acquisition of easements for sewer projects. She asked if those types of acquisitions will continue to come before the Council or if they will now bypass Council approval. Mr. Cotterill said that Citizens will purchase easements same as any other entity. Councillor Mansfield said that this means that there would be no public input as the citizens had with the Council approval process. Mr. Hill said that the city will still have an interest in operating the public rights-of-way, and will still have to be involved in any major excavation project involving city property, but probably not with private property. Mr. Elrod added that the statute requiring Council approval for easement acquisition will not apply after the transaction takes place. He said that Citizens would have a different purchasing process.

Councillor Vaughn provided a proposed amendment (Exhibit G), and asked Mr. Cotterill to briefly explain the changes. Mr. Cotterill reviewed the amendment and added that there is a technical amendment also needed on page four of the proposal in Section 8, Sec. 135-761 (c). He said that the amount of debt transferred is incorrectly listed as \$1.9 million, and it should instead read \$1.5 million.

Councillor Vaughn moved, seconded by Councillor Rivera, to "Amend" Proposal No. 211, 2011 as per Exhibit G, with the technical correction also noted by Mr. Cotterill.

Councillor Mansfield said that cash is cash, whether kept in a savings or checking account. She asked if the Fiscal Stability Fund's real purpose is to alleviate concerns with the budget situation in order to show funds sitting in a separate fund balance as an asset. She said that this does not seem as if the administration is really being open about the budget situation. Mr. Cotterill said that he has read of these concerns, and this does not necessarily have to be done, but they took the advice of people who understand credit ratings and decided to handle the funds in this way. He said that they

could call the fund something different, but it basically says that until the Council decides to use the funds in a different way through a repealing ordinance, this money is to help secure the city's AAA credit rating. Mr. Steele added that these are funds from the Sanitary District Sanitation Fund, which gradually built up when the wastewater system was privatized. He said that rating agencies have always looked at that fund balance in determining bond ratings. For a AAA rating, an entity typically needs a 15% fund balance, depending on other economic factors or condition. With removal of the debt for the wastewater system, it is possible that rating agencies will say the city has more than they need to secure the AAA rating. If they are determined at a later date not to be needed, they would go back into the RebuildIndy Fund with other Sanitation funds.

Chairman McQuillen stated that he would like to keep the discussion germane to the amendment at this time, and then reserve the right to come back with questions about the proposal as a whole following a vote on the amendment.

The motion to "Amend" Proposal No. 211, 2011 as per Exhibit G, with the transferred debt amount technical correction, carried by a vote of 6-2, with Councillors Sanders and Mansfield casting the negative votes.

Councillor Vaughn moved, seconded by Councillor Rivera, to send Proposal No. 211, 2011 to the full Council with a "Do Pass As Amended" recommendation.

Councillor Vaughn said that like the Fiscal Stability Fund, the city had a fund in the past that credit agencies relied on, but the function of that fund is now being transferred to Citizens. This fund allows the city to have some security set aside, and the administration cannot do anything with that fund without the Council's vote. Any surplus goes into the RebuildIndy Fund for designated projects. If two or three years down the road, the rating agencies determine that additional reserve is not needed and the city can fulfill their commitment without keeping that fund balance, the Council can further decide how those funds should be used. Mr. Cotterill said that this is correct and those funds have no direct use at the moment, as it takes time to implement so many projects with such an influx of monies, so it made sense to handle it this way at this time.

Councillor Vaughn said that logistically they cannot responsibly spend all the money from this transaction this year, so setting it aside means that it will sit there until it is appropriated for projects when it is responsible to do so, all the while helping to secure an acceptable bond rating for the city.

Councillor Cockrum asked with the reduced debt obligation from the transfer of assets, if this amount in the Fiscal Stability Fund is more or less than the 15% fund balance needed. Mr. Steele said that he will need to recalculate that number. Councillor Cockrum said that he would like to see that information before the vote on Monday.

Councillor Sanders said that she will have to disagree with Councillor Vaughn, as they are in fact appropriating money into the RebuildIndy Fund as they speak. She asked where the \$241.8 million being dubbed as unappropriated is being parked at this point

in time. Mr. Cotterill said that all of the \$262 million, plus the \$84 million from the Sanitary Fund, is going into the RebuildIndy Fund, with \$80 million of that going into the Fiscal Stability Fund. The fiscal proposal only appropriates \$104 million, and there is still \$161 million in the RebuildIndy Fund unappropriated. Councillor Sanders asked how this is reflected in the budget being presented. Mr. Cotterill said that they will see appropriations from the RebuildIndy Fund for 2012 projects, but the Fiscal Stability Fund will be shown as a fund balance. Mr. Hill added that if the entire consideration was not appropriated into a fund, it would revert to the General Fund, but still remain unappropriated. Councillor Sanders said that it would still be shown in the fund balance.

Chairman McQuillen called for public testimony.

Glenn Pratt, National Association for the Advancement of Colored People (NAACP) environmental committee and member of the Hoosier Sierra Club, said that he did not hear until today about this proposal. He said that he has been very involved in this process and has been trying to get some information during the recess. He pointed out that the amount of treated water available for distribution has been reduced, and pipe size is actually the city's problem. He said that this proposal leaves the mayor with the responsibility for implementing water dams, while CEG has parallel authority. He said that Citizens should have that authority solely, or there will be confusion about where citizens go or who enforces it. He added that there were 21,000 septs given priority by the MCHD, to cost around \$700 million. While DPW director Dave Sherman saved the city a lot of money, this is still a critical project and more is needed. Mr. Pratt said that he is concerned that the IURC has yet to be shown why general rate money should be used for the STEP program. He said it is critical that they understand, so that there is not a lawyer's fight. Chairman McQuillen thanked Mr. Pratt for sharing his expertise and stated that all proposals can be found on the Council's website at indy.gov as they are introduced.

Councillor Vaughn asked if the list of STEP projects approved by the IURC in the transaction will be completed by CEG. Aaron Johnson, Citizens Energy Group, said that the IURC did approve the completion of the projects already approved by the city. The \$4.7 million listed represents a portion of the financing costs for these projects as part of the negotiations with the city, and they have actually accelerated the projects with the city's time schedule. Mr. Pratt said that this is not nearly enough money to finance all the projects that need done, which are not even on that list.

Ms. Andrews said that she is intrigued by the Fiscal Stability Fund. She asked if it would allow the Metropolitan Development Commission (MDC) to allow tax increment fund (TIF) district balances to drop below the 15%, anticipating that they could balance it with bookkeeping, using this \$80 million as a fund balance. Mr. Cotterill said that this is something entirely different, and this \$80 million fund balance is exactly what the ordinance says it is. It is simply placed in a separate fund to maintain the AAA bond rating, and no monies may be spent without appropriation by the Council. Mr. Hill

added that it is impossible for this fund, either formally or informally, to be pledged in such a way. Ms. Andrews asked if the \$49 million is being leveraged. Greg Henneke, RebuildIndy Project Manager, stated that federal money goes through the Metropolitan Planning Organization (MPO), and the city has to develop projects with their own money and then ask for a match with federal monies. He said that there is about \$45 million available a year, and they are competing with the entire region for these dollars, and it is very hard to compete. Ms. Andrews asked if the \$49 million reflects any federal dollars. Councillor Vaughn said that these funds are the proceeds of the sale and are yet to be leveraged.

Councillor Mansfield said that she has some trepidation with this process. She appreciates that the funds cannot be spent until the Council approves it. She would really rather see all these funds go toward infrastructure versus abandoned buildings, but she recognizes that abandoned buildings are a crime issue in some parts of the city and can see why they want to use some of these funds in this way. She asked how many abandoned buildings can be addressed with this amount of money. Mr. Cotterill said that it will handle approximately 1,300 structures. Councillor Mansfield said she thought it would be more than that, but still, with some trepidation, she will support the proposals.

The motion to send Proposal No. 211, 2011 to the full Council with a "Do Pass As Amended" recommendation carried by a vote of 7-1, with Councillor Sanders casting the negative vote.

Councillor Vaughn moved, seconded by Councillor Lutz, to send Proposal No. 212, 2011 to the full Council with a "Do Pass" recommendation.

Councillor Cockrum said that he would like to make it clear that the Utility Monitoring Fund going into the Council budget is not supplementing the Council budget, but is a special fund set up to reimburse the Council for continued monitoring of this transaction. Councillor Vaughn concurred and said that there were concerns raised during discussion of the initial transaction for continued oversight and feedback, and this fund was created to allow for those administrative duties.

The motion to send Proposal No. 212, 2011 to the full Council with a "Do Pass" recommendation carried by a vote of 7-1, with Councillor Sanders casting the negative vote.

There being no further business, and upon motion duly made, the Rules and Public Policy Committee was adjourned at 9:23 p.m.

Respectfully Submitted,

MM/ag

Michael McQuillen, Chairman

Public Safety Officer CBA Summary**Salary**

- All PSOs will have a starting salary of \$30,000.00. Any current PSO being paid less than \$30,000.00, will have his/her salary increased to a total salary of \$30,000.00. Any PSO currently being paid an annual salary of more than \$30,000.00, will have no change to his/her salary.
- For the remaining three years of the contract, the salary for each Public Safety Officer shall be increased by the following percentages:
 - 2012 1% above 2011
 - 2013 3% above 2012 with reopener
 - 2014 3% above 2013 with reopener

Longevity

- Public safety Officers will receive the following longevity pay based on years of service as a Public Safety Officer.
 - 5-9 years of service 1% of base pay
 - 0-14 years of service 2% of base pay
 - 15-20 years of service 3% of base pay
 - 20+ years of service 4% of base pay

Clothing Allowance

- Currently, the PSOs work on the quartermaster system to obtain their uniforms. The parties have agreed to move to a clothing allowance for the duration of this contract.
- The clothing allowance for the contract years is as follows:

2011	2012	2013	2014
\$400	\$400	\$450	\$450

Park Ranger CBA Summary

Salary

- 2011 - 0% above 2010
- 2012 - 1% above 2011
- 2013 - 3% above 2012 with reopener
- 2014 - 3% above 2013 with reopener

Longevity

- 5-9 years of service 1% of base pay
- 0-14 years of service 2% of base pay
- 15-20 years of service 3% of base pay
- 20+ years of service 4% of base pay

Clothing Allowance

- Currently, the Rangers work on the quartermaster system to obtain their uniforms. The parties have agreed to move to a clothing allowance for the duration of this contract.
- The clothing allowance for the contract years is as follows:

2011	2012	2013	2014
\$400	\$400	\$450	\$450

Shift Differential Pay

2011	2012	2013	2014
\$0.35	\$0.35	\$0.40	\$0.50

College Incentive Pay

- College incentive pay shall mirror that of FOP: \$250.00, \$500.00, \$750.00, per year for one, two, and three years of college, respectively. \$1,000.00 per year for one four-year college degree.

AGREEMENT SUMMAY **FOUR-YEAR AGREEMENT: 2011 - 2014**

Total Estimated Fiscal Impact. The total estimated impact of the proposed Agreement is summarized below:

Park Rangers	2010 Base	2011 Diff. from Base	2012 Diff. from base	2013 Diff. from base	2014 Diff. from base	Cum. Add'l Cost v. Base
Annual Rate	614,182	0	6,142	24,752	43,920	74,813
Longevity pay	8,416	0	1,251	2,750	5,953	9,954
Clothing Allowance	2,720	4,080	4,080	4,930	4,930	18,020
Shift Premium*		5,824	5,824	6,656	8,320	26,624
College Incentive*		8,000	8,000	8,000	8,000	32,000
Additional Duties*		1,248	1,248	1,248	1,248	4,992
FICA	47,837	1,465	2,031	3,698	5,536	12,730
PERF	51,589	1,580	16,857	16,857	16,857	52,151
Total Compensation	724,744	22,197	45,432	71,178	99,575	231,283

Public Safety Officers	2010 Base	2011 Diff. from Base	2012 Diff. from base	2013 Diff. from base	2014 Diff. from base	Cum. Add'l Cost v. Base
Annual Rate	206,420	0	12,887	19,466	26,243	58,595
Starting Salary Adjust		10,715				10,715
Longevity pay	4,171	209	1,162	1,671	2,167	5,209
Clothing Allowance	5,250	(2,450)	(2,450)	(2,100)	(2,100)	(9,100)
FICA	16,512	648	887	1,456	2,013	5,005
PERF	17,807	699	6,074	6,074	6,074	18,922
Total Compensation	250,159	9,822	18,560	27,348	35,941	89,346

Grand Total	2010 Base	2011 Diff. from Base	2012 Diff. from base	2013 Diff. from base	2014 Diff. from base	Cum. Add'l Cost v. Base
Annual Rate	820,602	0	19,029	44,218	70,162	133,408
Starting Salary Adjust		10,715				10,715
Longevity pay	12,587	209	2,413	4,421	8,120	15,163
Clothing Allowance	7,970	1,630	1,630	2,830	2,830	8,920
Shift Premium*		5,824	5,824	6,656	8,320	26,624
College Incentive*		8,000	8,000	8,000	8,000	32,000
Additional Duties*		1,248	1,248	1,248	1,248	4,992
FICA	64,349	2,113	2,918	5,154	7,549	17,734
PERF	69,396	2,279	22,931	22,931	22,931	71,073
Total Compensation	974,903	32,019	63,992	98,527	135,517	320,629

*Estimated impact

- Assumes salary increase is based on 2010 base salary
- Assumes current staffing levels are maintained for the duration of the agreement

	2011	2012	2013	2014
Salary Adjustments	0%	1%	3%	3%

Grand Total	2011 Adopted Appropriation	2011 Impact as % of Current Appropriation	2012 Impact as % of Current Appropriation	2013 Impact as % of Current Appropriation	2014 Impact as % of Current Appropriation
IMPD Char 1	164,423,167	0.02%	0.04%	0.06%	0.08%

- Salary and Health Insurance Benefits:** The CBAs provide a sufficiency of revenue provision permitting the Agreement to be “open for further negotiations of salaries and health insurance benefits only.”
- Salary:** The Public Safety Officer’s CBA doesn’t provide for an across the board increase for all employees in 2011. However, it does set a “starting salary of \$30,000” for all new hires and provides a salary increase to \$30,000 for all current PSOs who are being paid less than that amount. No salary change for PSOs currently making more than \$30,000.
- Longevity Schedule:** Each CBA provides an identical “longevity schedule” based upon the employees years of service in their position. This longevity schedule was already in place for both groups of workers.
 - 5 – 9 years of service 1% of base pay
 - 10-14 years of service 2% of base pay
 - 15-20 years of service 3% of base pay
 - 20+ years of service 4% of base pay
- Clothing Allowance:** Each CBA provides an identical “annual clothing allowance” schedule for each group of employees
 - 2011 \$400
 - 2012 \$400
 - 2013 \$450
 - 2014 \$450

Public Safety Officers (PSOs) had formerly received an annual clothing allowance of \$750. Park Rangers received an annual allowance of \$160 for boots.
- Education:** Park Rangers are provided with “college incentive pay” with \$250 provided per year of college with a maximum of \$1,250 for those who receive a master’s or doctoral degree. An estimate was made of the staff’s education level attributing 2 years to every employee.
- Shift premium:** Park Rangers are provided with a “shift” premium for those working the 2nd shift. Amount is per hour. Analysis estimates ½ the PSOs will work the 1st shift and ½ will work the 2nd shift.
 - 2011 \$0.35
 - 2012 \$0.35
 - 2013 \$0.40
 - 2014 \$0.50
- Additional duties pay:** Park Rangers are provided with “additional duties” pay for serving in one of three (3) different functions. An additional fifteen cents (\$0.15) is paid per hour. An estimate was made that ¼ of the staff may be assigned these additional duties.

COMMITTEE MOTION
Proposal No. 188, 2011

Mr. Chairman:

I move to amend Section 7 of Proposal No. 188, 2011, Sec. 986-111, by deleting the stricken-through language, replacing it with the underlined language and adding a new subsection (h), and by adding a new Sec. 986-402 to read as follows:

Sec. 986-111. Discretionary authority granted to license administrator.

(a) Notwithstanding any other provision of this Code, the license administrator may, upon ~~consultation~~ cooperation with the Department of Public Safety and the Department of Public Works, suspend the use of loading zones authorized under Chapter 621 during a licensed special event. The license administrator shall notify the owner or operator of the suspension in writing.

(b) Notwithstanding any other provision of this Code, the license administrator may, upon ~~consultation~~ cooperation with the Department of Public Safety and the Department of Public Works, authorize the bagging, blocking, or other use of parking meters in the City during a licensed special event. All applicable fees for the bagging, blocking, or use of parking meters shall be paid in the amount provided in Section 131-501 of the Code and deposited into the parking meter fund. The applicant or other entity responsible for the special event shall pay all parking charges set forth in Section 621-225 of this Code associated with the use of parking meters, unless such charges are waived by the parking meter concession agreement, as defined in Section 621-100 of this Code, or are waived in accordance with the procedure and policy set forth in the operations plan required by the parking meter concession agreement.

(c) Notwithstanding any other provision of this Code, the license administrator may, upon ~~consultation~~ cooperation with the Department of Public Safety and the Department of Public Works, authorize the temporary suspension, closing, or creation of any taxicab stands within the designated special event zone or clean zone during a licensed special event. Any temporarily suspended stands will be automatically reinstated and temporarily created stands will cease to exist after the duration of the licensed special event.

(d) Notwithstanding any other provision of this Code, the license administrator may, upon ~~consultation~~ cooperation with the Department of Public Safety and the Department of Public Works, authorize the temporary creation or use of traffic lanes expressly reserved for the use of municipal vehicles and vehicles licensed under this Chapter within the designated special event zone or clean zone during a civic sponsored special event. Any temporary created or used lanes will automatically revert to their normal operation upon the expiration of the licensed special event.

(e) Notwithstanding any other provision of this Code, the license administrator may authorize the temporary removal or relocation of individual newsracks placed in the public right-of-way according to Chapter 645 of the Code during a civic sponsored special event. Any individual modular newsracks temporarily removed or relocated will be reinstated after the designated duration of the licensed special event. The owner of any individual modular newsracks requiring temporary removal or relocation shall be moved by the owner of such newsrack.

(f) Notwithstanding any other provision of this Code, the license administrator may authorize the placing of temporary signage upon litter receptacles during a civic sponsored special event.

(g) Notwithstanding any other provision of this Code, the license administrator may authorize the creation and use of temporary residential parking areas within a special event zone or clean zone during a civic sponsored special event for the purposes of providing adequate residential parking for neighborhoods or for public safety purposes within the special event zone. Any temporary residential parking areas will cease to exist after the duration of the special event.

(h) Nothing in this section shall limit the Department of Public Safety's ability to alter or restrict traffic patterns, street closures, or the bagging of parking meters in an emergency or other situation affecting public safety. Any such changes made by the Department of Public Safety shall be immediately communicated to the Department of Code Enforcement.

Sec. 986-402 Department of public safety; other powers.

Nothing in this Chapter shall act to limit or otherwise prohibit the Department of Public Safety or the Indianapolis Metropolitan Police Department from exercising its respective authority as provided in this Code or the Indiana Code.

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I further move to amend Proposal No. 188, 2011, as follows:

Renumber Sections 10, 11 and 12 as Sections 11, 12, and 13, respectively, and add a new Section 10, to read as follows:

SECTION 10. Chapter 401 of the Revised Code of the Consolidated City and County, be, and is hereby, amended by adding a new Article III to read as follows:

ARTICLE III - PUBLIC SAFETY ACCESS TO ATHLETIC CONTESTS

Sec. 401-301. Definitions.

As used in this Article, the following terms shall have the meanings ascribed to them in this section.

Credentials means a written form, identification, or any conveyance of access to a building or event area.

Public venue means any facility which is funded in whole or ⁱⁿ part by any agency of the City of Indianapolis or of Marion County.

Athletic contest means any regular games or events held in a public venue by the National Football League, National Basketball Association, National Hockey League, National Collegiate Athletic Association, The Big Ten Conference or the Indiana High School Athletic Association and any of their championship contests..

Sec. 401-302. Public Safety Access to Athletic Contests.

(a) It shall be unlawful for a private, non-profit, or for profit organization sponsoring an athletic contest in any public venue to deny the Department of Public Safety access credentials for any purpose while using public safety employees in any aspect of operational support of a game, contest or event associated with the organization, contest or event.

(b) The Director of the Department of Public Safety shall determine the level of public safety personnel needed for the safety, planning and security of any credentialed event and the sanctioning body shall grant the appropriate access and number of credentials requested by the Department of Public Safety.

(c) Credentials issued shall only be used for the purposes of providing safety, planning, and security. The sanctioning body shall grant the appropriate access and number of credentials requested by the Director of Department of Public Safety or designee.

(d) Denial of any requested level of access or failure to provide the appropriate number of credentials shall be cause for the Department of Public Safety to charge back to the sponsoring organization the taxpayers cost for every public safety employee detailed to the event to ensure general public safety and security.

(e) It shall be unlawful for any credentials to be used other than the purposes of public safety oversight, planning, response, staffing, and inspections permitted by code.

for *va*
THIS

Councillor Hunter

PROPOSAL 188 AMENDMENTS
REDLINE VERSION

I.

Sec. 645-512. Public ways not to be used for private purposes; exceptions.

(a) The streets, alleys, sidewalks, bridges and public places of the city shall be maintained open at all times for travel by vehicles and pedestrians and for all other proper public uses and purposes. No part thereof, or any spaces above or below such public ways, except as otherwise authorized by statute, this article or Code, or by any other city ordinance, shall be used for any private purpose or business. Except as may be so authorized, no use shall be permitted that affects the orderly appearance thereof, or obstructs or hinders public travel thereover, contrary to the public safety and welfare.

(b) As provided in Chapter 986 of the Code, a temporary sign may be placed upon any street, alley, sidewalk, bridge, or public place, so long as the following conditions are met:

- (1) The temporary sign is associated with a civic sponsored special event;
- (2) The temporary sign has been approved by the civic sponsored special event sponsor;
- (3) The temporary sign complies with the operating requirements established in Section 986-204 of the Code; and
- (4) ~~A fee as provided in section 131-501 of the Code has been paid to the bureau of license and permit services~~ limited duration license has been issued in accordance with Chapter 986, Article II of the Code.

(c) The board of code enforcement may adopt reasonable regulations regarding the materials, dimensions, and locations of these temporary signs.

II.

Sec. 841-101. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Event organizer means the entity or person that is organizing or in charge of conducting a ticketed event.

Event venue means any part of the location, facility, or structure that a ticketed event for more than five hundred (500) people occurs. For purposes of this chapter, the following locations are specifically included:

- (1) Lucas Oil Stadium;
- (2) Conseco Fieldhouse;
- (3) Victory Field;
- (4) Hinkle Fieldhouse;
- (5) Murat Theatre at Old National Centre;

- (6) Indianapolis ~~Indiana~~ Convention Center;
- (7) Indiana State Fairgrounds; and
- (8) White River State Park.

Face value means the value of a ticket as printed on the ticket itself, or, absent such a marking, the amount for which the ticket was authorized to be sold by the event organizer, plus up to an additional fifteen percent (15%) of the value of the ticket.

Repurchase means purchasing or offering to purchase a ticket or tickets for admission to a ticketed event on the day of the ticketed event within one (1) mile of the event venue.

Resell means selling or offering to sell a ticket or tickets for admission to a ticketed event on the day of the ticketed event within one (1) mile of the event venue.

Ticket means a document serving as evidence that the holder has paid admission or entitles the holder to admission.

Ticket broker means a person to whom the license administrator has granted a license to resell or repurchase tickets.

Ticketed event means an organized event open to the public and requiring a ticket for admission.

III.

Sec. 841-109. Operational requirements.

A ticket broker may not resell or repurchase tickets to a ticketed venue except in accordance with the following provisions:

- (1) Tickets shall not be resold or repurchased ~~on~~ within ten (10) feet of sidewalks where passage is restricted by construction activity;
- (2) Tickets shall not be resold or repurchased within ~~fifteen (15)~~ ten (10) feet of a bus stop, taxi stand, sidewalk ramp intended to provide disability access, ~~curb~~, or public entrance to a building;
- (3) Tickets shall not be resold to or repurchased from occupants in vehicles in traffic;
- (4) Tickets shall not be resold or repurchased in a manner that blocks, obstructs, or restricts the passage of pedestrians or vehicles in the lawful use of sidewalks or streets, ingress or egress to the abutting property, or interferes with the operation of any other vendor licensed under Title IV of this Code; and
- (5) A ticket broker shall not use a display stand, table, booth, chair, or sign other than a ~~hand-held~~ sign no larger than ten inches (10") by ten inches (10") that may be held or hung around a ticket broker's neck for the purchase, offering to purchase, sale or offering for sale of tickets

IV.

Sec. 986-101. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Block party means a distinct event held by and for the residents of a specific neighborhood or group

of neighborhoods for a period of one (1) day or less.

Civic sponsored special event means any special event designated in Section 986-104 of this Code.

Clean zone means a geographically defined area within a special event zone during a civic sponsored special event that no temporary advertising, signage, or structures shall be erected or transient merchant, vendor, or otherwise licensed activity may take place without the person or entity performing such activity first having received approval from the event sponsor and a limited duration license from the bureau of license and permit services.

Event sponsor means the person, party, or entity that organizes a special event and has applied for a special event license under this chapter, or the person, party or entity designated as such on a special event license application.

Limited duration license means a license issued by the bureau of license and permit services for a limited time frame within a defined area and for certain activities as authorized by this chapter.

Mobile advertising sign means any sign or advertisement that is attached to a portable device or person, that allows the advertisement to move around or park, including but not limited to signs mounted on bicycles, cars, motorcycles, trucks, flatbeds, or any other device with wheels that allows movement through an area, but does not include any currently licensed entity (such as a licensed public vehicle for hire) or other public transit services.

Mobile wireless communication facility means a structure, antenna, or trailer temporary and portable in nature that is used to provide or increase wireless cellular communication.

Pedestrian information sign means a sign that is erected solely for the purposes of providing directional, traffic, or event information. Such signs may reference the special event itself, but shall not include advertising.

Residential parking areas means areas that have been identified as dwelling districts in Chapter 731 of the Code.

Special event means a temporary event or gathering, including a parade, using either private or public property, that draws an estimated number of participants and spectators exceeding two hundred fifty (250) people present on any day of the event and that involves one or more of the following activities, except when the activities are for the purpose of construction or moving a structure:

- (1) Closing of a public street;
- (2) Blocking or restricting streets, sidewalks, alleys, or other public places, in whole or in part;
- (3) ~~Sale, distribution, or display of merchandise, food, or~~ Sale or distribution of food or beverages on streets, sidewalks, alleys, or other public places, or on private or public property, or on private property where such activity would otherwise be prohibited by ordinance;
- (4) Erection or placement of a tent, utility pole, booth, or other temporary structure on a street, sidewalk, alley, or other public place;
- (5) Erection or placement of a stage, bandshell, trailer, van, portable building, grandstand, bleachers, or other apparatus used for entertainment purposes on public property, or on private property where otherwise prohibited by ordinance;
- (6) ~~Erection or placement of public toilets on a street, sidewalk, alley, or other public place, or on private property where otherwise prohibited by ordinance;~~

- (7) (6) Erection or placement of temporary signage, banners, or displays of any kind in or over a public right of way, or on private property where otherwise prohibited by ordinance; or
- (8) (7) Activity that requires for its successful execution the provision and coordination of municipal services to a degree significantly over and above that which the city routinely provides under ordinary circumstances.

This term shall not include any event or function held on private property entirely within the existing structure or appurtenants thereto of an establishment that has been operating continuously for thirty (30) days or more prior to the start of a special event.

Special event zone means a geographically defined area during a special event in which no temporary advertising, signage, or structures may be erected or transient merchant, vendor, or otherwise licensed activity may take place without the person first having received a limited duration license from the bureau of license and permit services.

Sec. 986-102. Special event license required; geographic area defined.

- (a) It shall be unlawful for a special event to be held without a special event license having been obtained from the bureau of license and permit services.
- (b) The license administrator shall identify the date and outline the geographic boundaries of each special event. Dates and geographic boundaries of the special event and any separate special event zones shall be identified by the license administrator according to provisions of Section 986-107 and Section 986-110 of the Code.
- (c) The license administrator may, at the request of the event sponsor, identify and outline separate clean zones within the special event zone to accommodate the specific requirements of that civic sponsored special event.

V.

Sec. 986-110. Designation of special event zones and clean zones.

(a) For a licensed special event, the license administrator shall designate the duration and geographic boundaries of a special event zone upon consultation with the Department of Public Safety and the Department of Public Works. The boundaries of each special event zone shall be established in writing.

(b) For a licensed civic sponsored special event, the license administrator shall designate the duration and geographic boundaries of one or more special event zones upon consultation with the Department of Public Safety and the Department of Public Works. The license administrator may also designate one or more clean zones within the designated special event zone(s) boundaries. The boundaries of each zone shall be established in writing. Notification of the location, boundaries, and effective dates for each clean zone shall be provided to all affected property areas within seven (7) days of the adoption of each clean zone. Notification may be provided via the Department's website or mailing to all known property owners within the affected area.

Sec. 986-111. Discretionary authority granted to license administrator.

(a) Notwithstanding any other provision of this Code, the license administrator may, upon consultation with the Department of Public Safety and the Department of Public Works, suspend the use of loading zones authorized under Chapter 621 during a licensed special event. The license administrator shall notify ~~the owner or operator~~ any identified users of the suspension in writing.

(b) Notwithstanding any other provision of this Code, the license administrator may, upon consultation with the Department of Public Safety and the Department of Public Works, authorize the bagging, blocking, or other use of parking meters in the City during a licensed special event. All applicable fees for the bagging, blocking, or use of parking meters shall be paid in the amount provided in Section 131-501 of the Code and deposited into the parking meter fund. The applicant or other entity responsible for the special event shall pay all parking charges set forth in Section 621-225 of this Code associated with the use of parking meters, unless such charges are waived by the parking meter concession agreement, as defined in Section 621-100 of this Code, or are waived in accordance with the procedure and policy set forth in the operations plan required by the parking meter concession agreement.

(c) Notwithstanding any other provision of this Code, the license administrator may, upon consultation with the Department of Public Safety and the Department of Public Works, authorize the temporary suspension, closing, or creation of any taxicab stands within the designated special event zone or clean zone during a licensed special event. Any temporarily suspended stands will be automatically reinstated and temporarily created stands will cease to exist after the duration of the licensed special event.

(d) Notwithstanding any other provision of this Code, the license administrator may, upon consultation with the Department of Public Safety and the Department of Public Works, authorize the temporary creation or use of traffic lanes expressly reserved for the use of municipal vehicles and vehicles licensed under this Chapter within the designated special event zone or clean zone during a civic sponsored special event. Any temporary created or used lanes will automatically revert to their normal operation upon the expiration of the licensed special event.

(e) Notwithstanding any other provision of this Code, the license administrator may authorize the temporary removal or relocation of individual newsracks placed in the public right-of-way according to Chapter 645 of the Code during a civic sponsored special event. Any individual modular newsracks temporarily removed or relocated will be reinstated after the designated duration of the licensed special event. The owner of any individual modular newsracks requiring temporary removal or relocation shall be moved by the owner of such newsrack.

(f) Notwithstanding any other provision of this Code, the license administrator may authorize the placing of temporary signage upon litter receptacles during a civic sponsored special event.

(g) Notwithstanding any other provision of this Code, the license administrator may authorize the creation and use of temporary residential parking areas within a special event zone or clean zone during a civic sponsored special event for the purposes of providing adequate residential parking for neighborhoods or for public safety purposes within the special event zone. Any temporary residential parking areas will cease to exist after the duration of the special event.

Sec. 986-112. Regulations.

All regulations necessary or authorized under this Chapter shall be promulgated by the board of code enforcement according to the provisions of Chapter 141 of this Code.

Sec. 986-113. Commercial parking permitted in residential parking areas.

(a) Notwithstanding any other provision of this Code, the owner or lessee of residential property located within a special event zone during a civic sponsored special event shall be permitted to charge a fee to park vehicles on the lot of residential parking areas. Any person charging a fee for parking on a residential area during a civic sponsored special event must adhere to the following conditions:

(1) The collection of a fee for parking may only be accomplished by the owner, lessee, or agent of the property owner; and

(2) No vehicle shall be permitted to stop, stand, park on, or traverse over, any sidewalk or curb in accordance with Section 621-106 of the Code.

(b) A person that parks vehicles in violation of this section shall be subject to the general penalty provisions in Section 103-3 of the Code.

VI.

Sec. 986-201. License required.

(a) Notwithstanding any other provision of this Code, the following activity shall be permitted within the special event zone boundaries during a civic sponsored special event, provided that a limited duration license is first issued by the bureau of license and permit services:

- (1) The outdoor sale or distribution of any marketing or promotional items, merchandise, food, frozen food, flowers, or souvenirs from a fixed or mobile location on public or private property, except any of the described merchandise sold or distributed in the ordinary course of business by a retail establishment in continuous operation for more than thirty (30) days prior to the start of a licensed special event;
- (2) The distribution, giving away, or providing for free any type of product, service, or coupon on public or private property (otherwise referred to as "sampling");
- (3) The erection of temporary signage or other displays, including but not limited to inflatables, cold air balloons, banners, pennants, flags, building wraps, A-frame signs, T-frame signs, projected image signs, electronic variable message signs, and light emitting diode signs. Mobile advertising signs shall not be permitted under this provision;
- (4) The construction, placement, occupation, or use of any temporary structure (including but not limited to temporary retail locations, tents, canopies, and air-supported, air-inflated, and tensioned membrane structures) on any public or private area;
- (5) The occupation or use of any structure that had previously been vacant for a period of not less than thirty (30) days prior to the scheduled start of the licensed special event;
- (6) Any activity not otherwise listed for which a license under Title IV of this Code would otherwise be issued, except for transient merchant activity under Chapter 987 of the Code that is only occurring during the special event and within the special event zone;
- (7) The use of any temporary transportation route or taxi stand within the designated special event zone boundaries by a vehicle transporting passengers for a fare or predetermined rate; or
- (8) ~~The parking of vehicles on residential property on areas other than a driveway, parking pad, or other area meant for the parking of vehicles, for which a fee is paid by the person using such services; or~~
- (9) The erection or placement of a mobile wireless communication facility.

(b) For a special event licensed under this Chapter that is not a civic sponsored special event, the following activity shall be permitted within the special event boundaries, provided that a limited duration license is first issued by the bureau of license and permit services:

- (1) The outdoor sale or distribution of ~~any marketing or promotional items, merchandise, food, frozen food, flowers, or souvenirs~~ food of any type from a fixed or mobile location on public or private property, except any of the ~~described merchandise~~ food sold or distributed in the ordinary course

of business by a retail establishment in continuous operation for more than thirty (30) days prior to the start of a licensed special event;

- (2) The use of any temporary transportation route or taxi stand within the designated special event zone boundaries by a vehicle transporting passengers for a fare or predetermined rate; and
- (3) The erection of a temporary banner sign for the purposes of advertising the licensed special event in an area near or adjacent to the identified special event zone.

Sec. 986-202. Fee.

(a) The fee for a limited duration license shall be as provided in Section 131-501 of the Code. Any applicant holding a license issued under Title IV of the Code for a continuous period of more than ninety (90) days, however, shall be exempt from paying the limited duration license fee.

(b) For an event that is focused on a specific commercial activity (including but not limited to the sale of art, food, or merchandise), a limited duration license shall not be required for vendors solely engaged in selling or distributing that particular commercial product. All vendors not solely engaged in the sale or distribution of that particular commercial product, however, will be required to obtain a limited duration license to sale or distribute other commercial products, goods, or services. The license administrator shall have the discretion to determine the products, if any, that do not require a limited duration license for a specific event.

(c) An event sponsor that distributes food or merchandise free of charge, or an event sponsor that itself sells donated food or merchandise for the benefit of the special event, shall not be required to obtain a limited duration license for those specific activities. This exception shall not apply to any third party vendors selling or distributing food or merchandise for their own gain at any such event.

VII.

Sec. 986-204. General operating requirements for limited duration licenses.

(a) During the duration of a licensed special event, no part of any licensed vendor's facilities shall be located within the following:

- (1) Fifteen (15) feet from the entrance or exit of any existing building;
- (2) One hundred (100) feet or more from the customer entrance of any operating establishment selling like goods;
- (3) Fifteen (15) feet of any bus loading zone, if the zone is in operation;
- (4) Ten (10) feet of any sidewalk elevator;
- (5) Six (6) feet of any sidewalk grate;
- (6) Six (6) feet of any building standpipe or building hydrant, unless the state fire marshal or his or her designee determines upon inspection that access to the standpipe or hydrant is not impeded by the temporarily erected facilities; or
- (7) Five (5) feet of any taxi stand area if the taxi stand is in operation, bus stop, crosswalk, driveway, alleyway, or access ramp.

(b) Facilities erected or operated by a licensee shall not reduce or otherwise negatively affect compliance of public areas with the Americans with Disabilities Act of 1990 (as amended).

(c) Any licensees shall remove, lock, or otherwise secure all facilities, equipment, and goods that are susceptible to movement by the elements or unauthorized persons.

(d) All licensees shall provide necessary resources, including but not limited to trash receptacles, to ensure that any public right-of-way or other public places are not littered as a result of their operations.

(e) The license administrator shall have the discretionary authority to approve, in writing, any variance from the restrictions identified above.

(f) Limited duration licenses shall be valid for a period not to exceed sixty (60) days for civic sponsored special events and a period not to exceed thirty (30) days for special events.

VIII.

Sec. 986-304. Criteria for special event license issuance specific to parades.

The bureau of license and permit services shall issue a special event license for a license including a parade when, from a consideration of the application and upon consultation with the Department of Public Safety, and from such other information as may be obtained, shall find that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade will not require the diversion of so great a number of Indianapolis Metropolitan Police Department officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- (3) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed route and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
- (6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (8) The parade is not to be held for the sole purpose of advertising or promoting any commercial entity, its product or services, goods or event, and is not designed to be held purely for private profit; however, the prohibition against advertising or promoting any commercial entity, its product or services, goods or event shall not apply to signs identifying organizations or sponsors officially supporting the event, furnishing or sponsoring floats, or transportation for the parade. This provision shall not apply to any parade held for the benefit of any sports team or organization based in the city; or
- (9) The parade will not conflict with another licensed special event.

^
Sports

Sec. 986-305. Designated parade route.

(a) Except where the applicant requesting a parade demonstrates to the satisfaction of the license administrator, upon consultation with the Department of Public Safety and the Department of Public Works, that there are factors requiring an exception, all parades shall confine themselves to and follow this designated route: South on Pennsylvania Street from Saint Clair Street to Ohio Street; west on Ohio Street from Pennsylvania Street to Meridian Street; and north on Meridian Street from Ohio Street to Saint Clair Street. For the purposes of varying from the established parade route, special consideration shall be given to parades occurring within a neighborhood for the benefit of that neighborhood.

(b) Except where the license administrator, upon consultation with the Department of Public Safety and the Department of Public Works, determines that special circumstances make it unnecessary, traffic shall be excluded (during the time reserved for a parade) from the streets and alleys located within the area encompassed by Illinois Street on the west, Market Street and Monument Circle on the south, Delaware Street on the east, and Twelfth Street on the north. Provided, that traffic shall not be excluded from Illinois Street, Market Street, Monument Circle, Delaware Street, Twelfth Street, Eleventh Street or Interstate 65.

(c) Other provisions of this article notwithstanding, the license administrator, upon consultation with the Department of Public Safety and the Department of Public Works, may designate a parade route that includes Monument Circle for parades that have the ability to offer and deliver a split television feed for international distribution.

IX.

X

Sec. 987-102. License required; fee; exempt activities.

(a) It shall be unlawful for a person to engage in transient merchant activity in the city without first having obtained a license therefor from the license administrator. The annual fee for registration of transient merchant activity shall be provided in section 131-501 of the Code.

(b) Notwithstanding the provisions of subsection (a) of this section, a person is not required to obtain a license under this article if the person's transient merchant activity consists solely of the following:

- (1) Transient merchant activity that is authorized by a license obtained under this article by another person;
- (2) The operation of a licensed vendor cart, any other activity authorized under Chapter 961 of the Code, or any activity associated with an encroachment license issued under Chapter 645 of the Code;
- (3) The operation of a food vending vehicle that meets the requirements of section 611-501 et seq. of the Code;
- (4) The sale of goods or services to benefit a charitable cause, organized and conducted by an organization that is exempt from the Indiana gross retail tax under IC 2.5-5-26, provided that:
 - a. The sale of goods or services occurs for no more than thirty (30) days in a calendar year;
 - b. ~~No more than two (2) persons engage in the sale of goods or services at any one (1) outdoor sales location; and~~
 - c. Each person who engages in the sale of goods or services has in his or her possession a

card or letter that identifies that person as being authorized by the organization to engage in such sales;

- (5) A garage sale, as provided under Article II of this chapter;
- (6) An auction of goods or services that originate primarily on the property where the auction occurs, and that were not moved to the property from another location for the purpose of sale at the auction, conducted by an auctioneer licensed under IC 25-6.1;
- (7) The sale of goods or services on commercial property that occurs during the regular hours of operation of the business located on the property; ~~or~~
- (8) The sale of newspapers; or
- (9) The transient merchant activity is occurring during a special event within a special event zone and the person or entity engaging in such activity has obtained a limited duration license from the bureau of license and permit services pursuant to Chapter 986 of the Code.

(c) If the transient merchant activity described in subsections (b)(4) and (b)(7) of this section occurs on private property, it shall not be exempt from the license requirement unless the person engaged in the transient merchant activity has written consent, dated and signed by the property owner, to use the property.

Indianapolis
Mayor Gregory A. Ballard

Proposals 211 & 212

*Presentation to City-County Council
Rules & Public Policy Committee*

CHRIS W. COTTERILL
CHIEF OF STAFF
OFFICE OF MAYOR GREGORY A. BALLARD
8/10/11

OVERVIEW

The Challenges

- **"Dry" Infrastructure Deficit**
 - Inadequate investment in roads, bridges, sidewalks, and parks for a decade
- **Water & Sewer Rates Going Up**
 - 100% on Water System
 - 400% on Wastewater System due to Federal Consent Decree, STEP, and other necessary investments projects

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OVERVIEW

MOU Announced in 2010

Indianapolis
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MEMORANDUM OF UNDERSTANDING
BETWEEN THE
CITY OF INDIANAPOLIS
AND
CITIZENS ENERGY GROUP
REGARDING THE
PROPOSED TRANSFER OF THE
INDIANAPOLIS WATER & SEWER
DEPARTMENT TO CITIZENS ENERGY GROUP
ON 11/11/10

The Memorandum of Understanding between the City of Indianapolis and Citizens Energy Group (CEG) regarding the proposed transfer of the Indianapolis Water & Sewer Department (W&SD) to CEG is a landmark agreement that will ensure the continued provision of high-quality water and sewer services to the City of Indianapolis. The agreement outlines the terms of the transfer, including the funding for infrastructure, rates, and the transition process. The City of Indianapolis and CEG have agreed to work together to ensure a smooth and well-planned transition of the W&SD to CEG, which will allow the City to focus on other important issues while CEG focuses on improving the water and sewer infrastructure.

OVERVIEW

Benefits of Proposal

Indianapolis
Mayor Gregory A. Ballard



- **Funding for Infrastructure**
 - \$425 million for roads, bridges, sidewalks, and demolition of abandoned properties
- **Rates Lower than City's Projections**
 - 25 percent lower by 2025 than currently projected
- **Consistent, Non-Political Utilities**
 - Citizens' nonprofit charitable trust ensures lowest cost, trusted, local and public management
- **Clean, High Quality Drinking Water & Cleaner Rivers & Streams**
- **Smooth, Well-Planned Transition**

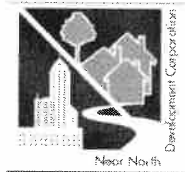
OVERVIEW

Widespread Support

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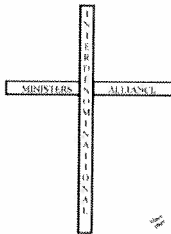
The
Greater
Indianapolis
Progress
Committee



IBJ
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BUSINESS
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Indianapolis
GREATER INDIANAPOLIS CHAMBER OF COMMERCE



AFSCME
in the public service

OVERVIEW

Three Year Process

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2009

- **MAY:** Mayor Creates Infrastructure Advisory Commission (IAC)
- **JULY:** Request for Expression of Interest Released for Ideas to Address Infrastructure Needs (24 Responses)
- **AUGUST:** March 2011: City Staff & IAC Reviews Responses
- **SEPTEMBER - MARCH 2010:** City and Citizens negotiate terms of the transfer

2010

- **MARCH:** Mayor Ballard Announces proposal to transfer utilities to Citizens Energy Group
- **MARCH - JUNE:** More than 40 meetings with stakeholders and general public
- **APRIL:** Board of Public Works Approval
- **MAY:** Council approves city to enter into final negotiations
- **JUNE:** Board of Waterworks approval
- **JULY:** Council approval
- **AUGUST:** Proposal filed with IURC
- **SEPTEMBER - FEBRUARY 2011:** IURC hearings

2011

- **APRIL:** City, Citizens, OUCC, & SAB submit unopposed resolution to transfer
- **MAY:** IURC hearing
- **JULY:** IURC approval
- **Next two weeks:** Closing

Purpose of Proposal 211



- **Special Ordinances (2010) No. 4 and No. 7**
 - Provided for the transfer of the water and wastewater systems to Citizens Energy Group
 - Upon closing of the transaction,
 - the Department of Waterworks will no longer have any functions or duties, and
 - the Department of Public Works will no longer have wastewater functions or duties.
 - Proposal 211 makes the necessary changes for the Revised Code to reflect reality of the transfer.

To Reflect Transfer



- **Section 7 of Special Ordinance No. 4 provides:**
 - “The Corporation Counsel shall review the Revised Code and prepare any necessary proposal to amend the Revised Code to recognize the effect of the transfer of the Systems and, after the adoption of the Approving Ordinance, shall refer such proposals to the Clerk of the City-County Council for consideration.”
- **Section 1 of Special Ordinance No. 7 provides:**
 - “The City-County Council hereby ... (iv) authorizes the Corporation Counsel to review the Revised Code and prepare any necessary proposals to amend the Revised Code to reflect such sale and purchase and vesting of such powers in Citizens and shall refer such proposals to the City-County Council for consideration.”



Three Types of Changes

- **Proposal 211:**
 - Revises sections to reflect the reality of the new ownership by Citizens
 - Repeals sections relating to city obligations to fund and administer programs that will now be funded and administered by Citizens or CWA Authority
 - Revises outdated references and making various technical corrections



Section by Section Review

- **Section 1**
 - Amends Chapter 102 by the addition of a new Section 102-2.5 which provides that Citizens Energy Group (CEG) means the Department of Public Utilities for the City of Indianapolis, acting by and through the Board of Directors for Utilities or any other authority exercised by CEG.
- **Section 2**
 - Amends Chapter 102 by the addition of a new Section 102-8.5 referencing CWA Authority, the Indiana non-profit corporation established pursuant to the Interlocal Cooperation Agreement dated August 9, 2010.
- **Section 3**
 - Amends Section 103-501 by inserting reference to the Bureau of Environmental Services and redefining "environmental violation" to mean a violation of a provision of the Code for which the Bureau of Environmental Services has enforcement authority.
- **Section 4**
 - Amends Section 103-504 regarding notice of administrative hearing by inserting reference to the Bureau of Environmental Services and deleting certain references to "DPW or the department of waterworks."
- **Section 5**
 - Amends Section 103-511 regarding the written transcript of administrative hearing by substituting the Bureau of Environmental Services for the Department of Waterworks.
- **Section 6**
 - Amends Chapter 135, Article III, Division 9 regarding the water conservation fund by repealing the Chapter. (There are no funds in the water conservation fund.)

Section by Section Review

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- **Section 7 (RebuildIndy Fund Created)**
 - Amends the Revised Code by adding a new Division 5 in Article VII of Chapter 135 to provide for a RebuildIndy fund.
- **Section 8 (Fiscal Stability Fund Created)**
 - Amends the Revised Code by adding a new Division 6 in Article VI of Chapter 135 to create a Fiscal Stability fund.

*Will address these in more detail with
explanation of Proposal #212...*

Section by Section Review

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- **Section 9**
 - Amends Section 182-2 regarding the definition of “capital improvement programs” by deleting reference to “wastewater treatment facilities, sanitary sewers, storm sewers, combined sewers, and sewage works of any kind.”
- **Section 10**
 - Amends Section 226-303 regarding the Bureau of License and Permit Services by deleting reference to sewers and sewage disposal.
- **Section 11**
 - Amends Section 226-403 regarding the Bureau of Environmental Services by inserting “Chapter 672, regarding general discharge prohibitions and private wastewater disposal systems” and “Chapter 706, regarding water conservation.”
- **Section 12**
 - Amends Section 261-102 regarding the powers and duties of the DPW by the deletion of references to “wastewater systems and groundwater systems” and inserts a reference to “groundwater” to the extent it affects stormwater systems.
- **Section 13**
 - Amends Section 261-302 regarding the Engineering Department of DPW by deleting reference to “wastewater and groundwater systems and water management facilities” and inserting reference to “stormwater infrastructure systems.”
- **Section 14**
 - Amends Section 261-303 of the Revised Code regarding the operations division of DPW by deleting reference to “wastewater and ground water.”
- **Section 15**
 - Amends Section 261-405 regarding the powers of the Board of Public Works by changing reference to a code section and inserting “wastewater treatment.” Paragraph 12 is amended by adding “wastewater treatment” to the type of contracts that the Board can enter into.

REVISED CODE CHANGES

Section by Section Review

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- **Section 16**
 - Amends Section 261-502 regarding the Marion County Stormwater Management Advisory Committee by deleting reference to “Combined Sewer Overflows Operation Plan” and “Sanitary Sewer Overflow Program” and inserting reference to Combined and Sanitary Overflow Programs of CWA Authority.
- **Section 17**
 - Amends Chapter 273 regarding the Department of Water Works by repealing the Chapter.
- **Section 18**
 - Amends Section 391-116 regarding disposal of matter from privies by clarifying that the Revised Code does not permit any person to convey, discharge or deposit the matter from any privy upon the streets or public places of the City or upon the property of another.
- **Section 19**
 - Amends Section 451-6 regarding the possession and discharge of weapons along or on reservoirs by deleting reference to the Department of Waterworks and adding CEG and deleting subparagraph (b) which cited the provisions of IC 35-47-2.
- **Section 20**
 - Amends Section 536-802 regarding the installation of food and waste disposers by deleting reference to the Indianapolis Sanitary District and inserting reference to CWA Authority.
- **Section 21 & 22**
 - Repeals Articles I through VIII.

REVISED CODE CHANGES

Section by Section Review

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- **Section 23**
 - Amends Title 3 regarding public health and welfare by the addition of a new Chapter 672 regarding general discharge prohibitions of private wastewater disposal systems. The chapter defines a number of terms, provides for general discharge prohibitions, prohibits discharges to public sewers and provides regulatory provisions relating to private wastewater disposal systems.
- **Section 24**
 - Amends Chapter 706 regarding water conservation by deleting reference to “Indianapolis public water system,” redefining “Water system,” inserting reference to CEG and reference to the “water conservation policy adopted by CEG.”
 - Under the Violations section, it also inserts the Department of Code Enforcement in the place of Indianapolis Water, deletes reference to the water conservation fund and replaces it with a reference to County General Fund and provides that the Chapter is not intended to be exclusive with respect to any further water conservation measures as may be adopted by CEG.
- **Section 25**
 - Amends Chapter 711 regarding extension of public utility water services by ordinance to areas with contaminated private wells by repealing the Chapter.
- **Section 26**
 - Pursuant to the approvals and authorizations in Special Ordinance No. 7, 2010, the Council confirms that in administering the publicly-owned treatment works industrial pretreatment program, CWA Authority, as the owner of the wastewater collection and treatment system, is authorized and empowered to (i) provide for the general regulation of discharges into the public sewers; (ii) adopt and set forth uniform requirements for discharges into, construction of and additions to the wastewater collection and treatment system; (iii) prohibit non-compliance with and to enforce the requirements of the Clean Water Act as well as (iv) to seek or assess fines or penalties consistent with the Revised Code and Indiana Code.

REVISED CODE CHANGES

Section by Section Review

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- **Section 27**
 - Provides that the expressed or implied repeal or amendment of this ordinance or any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or procedures begun prior to the effective date of this ordinance.
- **Section 28.**
 - Should any provision of the ordinance be declared by a court to be invalid, the remaining provisions shall not be affected if, and only if, such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council.
- **Section 29**
 - Provides that Section 22 of the Ordinance which repeals Articles I, III and VI of Chapter 671 regarding the wastewater industrial pretreatment program is effective upon (i) closing of the transactions contemplated in the Asset Purchase Agreements; (ii) the effective date of approval by the EPA of the transfer of the wastewater industrial pretreatment program to CWA Authority and; (iii) legal publication.
- **Section 30**
 - Provides that Sections 1-21 inclusive and Sections 23-26 inclusive of the Ordinance shall be effective upon closing of the transaction contemplated in the Asset Purchase Agreements and legal publication.
- **Section 31**
 - Provides that Sections 27-31 inclusive of the Ordinance shall be in full force and effect from and after legal publication.

OVERVIEW OF TRANSACTION FINANCES

Debt Transferred

Indianapolis
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Total Value of Assets:

Value of Water System	\$915.6 million
Value of Wastewater System	\$874.5 million
	<hr/>
	\$1.7 billion

Existing Debt Assumed by Citizens:

Water System Debt	\$915.6 million
Wastewater System Debt	\$611.9 million
	<hr/>
	\$1.53 billion

Net Value of Systems after Debt: \$262.6 million

OVERVIEW OF TRANSACTION FINANCES

Net Proceeds (Low)

Indianapolis
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Low End Projection on Proceeds:

Cash to City from Citizens	\$262.6 million
PILOT Bond Issue	\$153.8 million
<u>Sanitation General Fund</u>	<u>\$84 million</u>
	\$500.4 million

High End Projection on Costs:

Escrow Fund	\$40 million
Transaction Costs	\$15 million
AP/AR Reconciliation	\$12.7 million
STEP Financing	\$4.7 million
SRF Debt Service Financing Cost	\$1.2 million
<u>Environmental Insurance</u>	<u>\$1 million</u>

	\$74.6 million
Net Proceeds:	\$425.8 million

OVERVIEW OF TRANSACTION FINANCES

Net Proceeds (High)

Indianapolis
Mayor Gregory A. Ballard



High End Projection on Proceeds:

Cash to City from Citizens	\$262.6 million
PILOT Bond Issue	\$153.8 million
<u>Sanitation General Fund</u>	<u>\$90 million</u>
	\$506.4 million

Low End Projection on Costs:

Escrow Fund	\$35 million
Transaction Costs	\$10.5 million
AP/AR Reconciliation	\$12 million
STEP Financing	\$4.7 million
SRF Debt Service Financing Cost	\$1.2 million
<u>Environmental Insurance</u>	<u>\$1 million</u>

	\$64.4 million
Net Proceeds:	\$442 million



General Ordinance §7

- **These two sections create the funds referenced in the Fiscal Ordinance.**
- **Section 7 (RebuildIndy Fund)**
 - Amends the Revised Code by adding a new Division 5 in Article VII of Chapter 135 to provide for a “RebuildIndy fund.”
 - The RebuildIndy fund would be a special fund in the DPW. It will be a sub-fund of the Consolidated County Fund.
 - Moneys resulting from the transfer of the water and wastewater systems shall be deposited in the RebuildIndy fund which will be a continuing, non-reverting fund.
 - The purpose of the fund is to provide revenue for expenses relating to capital improvement projects, and the demolition or deconstruction of vacant or abandoned properties, and to fund liabilities excluded from the Escrow Fund provided for by the agreement transferring the wastewater system.



General Ordinance §8

- **Section 8 (Fiscal Stability Fund)**
 - Amends the Revised Code by adding a new Division 6 in Article VI of Chapter 135 to create a Fiscal Stability Fund which will be a sub-fund of the Consolidated County Fund.
 - It will be a non-reverting fund to demonstrate the City's commitment to maintaining a AAA bond rating from rating agencies.
 - “The purpose of this fund is to demonstrate the city’s commitment to maintaining a AAA bond rating from rating agencies. The fund shall exist until such time as this section is repealed by ordinance of the council, with the moneys in the fund then transferred to the RebuildIndy fund, following a notification by the controller that rating agencies do not need to rely on this fund to maintain its credit rating due to the transfer of more than \$1.5 billion in debt in the agreements referred to and approved by Special Ordinance No. 7, 2010, and the city’s continued prudent fiscal management.”

Section by Section Review

Indianapolis
Mayor Gregory A. Ballard

- **Section 1 (RebuildIndy Fund)**
 - Upon receipt of the Two Hundred Sixty-two Million Two Hundred Thousand and No/100 Dollars (\$262,200,000.00) as provided in the agreement transferring the wastewater system referred to and approved by Special Ordinance No. 7, 2010, net of any deductions provided by that agreement, the controller shall immediately deposit such funds into the RebuildIndy fund.
- **Section 2 (Fiscal Stability Fund)**
 - Upon closing of each of the transactions contemplated in each of the agreements referred to and approved by Special Ordinance No. 7, 2010:
 - (1) Eighty Million and No/100 Dollars (\$80,000,000.00) from the Sanitary District Sanitation General fund is hereby transferred to the Fiscal Stability fund; and
 - (2) all other funds that are remaining in the Sanitary District Sanitation General fund shall be transferred to the RebuildIndy fund.

Section by Section Review

Indianapolis
Mayor Gregory A. Ballard

- **Section 3 (Standard Fiscal Language)**
 - “To provide for expenditures the necessity for which has arisen since its adoption, the City-County Annual Budget for 2011 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the following departments and agencies, as listed in Sections 4 and 5.”
- **Section 4 (Utility Monitoring Fund)**
 - To provide for monitoring the utility as provided in Special Ordinance No. 7, 2010, the budget of the City-Council is amended, to add \$100,000 to the Council budget.
 - Special Ordinance No. 7, 2010 provided:
 - “After the closing of the sale of the Wastewater system, the sum of One Hundred Thousand Dollars (\$100,000) shall be deposited annually by the controller in this fund from the earnings on the funds reserved from the sale.”
 - “The purpose of this fund is to provide revenue for the City-County Council to pay expenses of monitoring utility operations in the City, particularly those of the Wastewater and Water utilities.”

Section by Section Review

 Indianapolis
 Mayor Gregory A. Ballard


- **Section 5 (\$104.7 Million Appropriation)**
 - Funds \$40 million Cash Escrow Fund
 - Provides \$15 million for transaction expenses
 - Provides \$4.7 million for implementing and completing certain Septic Tank Elimination Projects (STEP)
 - Provides DPW with \$45 million for remaining projects in 2011
- **Section 6 (Standard Ordinance Language)**
 - A certified copy of this Ordinance shall be filed by the City Controller with the Indiana Department of Local Government Finance in accordance with Indiana Code 6-1.1-18-5.
- **Section 7 (Standard Ordinance Language)**
 - This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

DPW 2011 Projects

 Indianapolis
 Mayor Gregory A. Ballard


- **Mike Williams (DPW)**

Special Appropriation - Fall 2011				
	Design	Construction	Inspection	Total Cost
Total Curb & Sidewalks	\$ -	\$ 700,000	\$ 60,000	\$ 760,000
Total Resurfacing	\$ 1,149,300	\$ 18,600,000	\$ 1,470,000	\$ 21,219,300
Total Bridge Repair and Replacement	\$ 210,500	\$ 5,050,600	\$ 450,000	\$ 5,711,100
Total Street Repair & Replacement	\$ 500,000.00	\$ 3,837,500.00	\$ 472,100.00	\$ 4,809,600.00
Unsafe Buildings		\$ 10,000,000		\$ 10,000,000
Total Other City Facilities	\$ 200,000.00	\$ 6,800,000.00	\$ 200,000.00	\$ 7,200,000.00
TOTAL APPROPRIATION				\$ 49,700,000

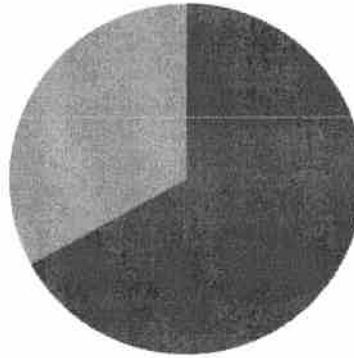
OVERVIEW OF TRANSACTION FINANCES

Remaining Funds

Indianapolis
Mayor Gregory A. Ballard



\$241.8M (EST)
(After 2011 Appropriations)



■ RebuildIndy (\$161.8M EST) ■ Fiscal Stability (\$80M)

**Public Works Capital Program
2011 Special Appropriation**

Exhibit F

<i>Special Appropriation - Fall 2011</i>				
	Design	Construction	Inspection	Total Cost
Total Curb & Sidewalks	-	700,000	60,000	760,000
Total Resurfacing	1,149,300	18,600,000	1,470,000	21,219,300
Total Bridge Repair and Replacement	210,500	5,050,600	450,000	5,711,100
Total Street Repair & Replacement	500,000	3,837,500	472,100	4,809,600
Unsafe Buildings		10,000,000		10,000,000
Total Other City Facilities	250,000	6,700,000	250,000	7,200,000
TOTAL APPROPRIATION =				49,700,000

Proposal No. 211, 2011
MOTION TO AMEND

Mr. Chairman:

I respectfully move to amend Proposal No. 211, 2011, in four (4) instances, as follows.

Councillor

I.

Proposal No. 211, 2011 shall be and hereby is amended by the substitution of a new SECTION 7 for that which appears in the Proposal, to read as follows below.

SECTION 7. Chapter 135, Art. VII, of the "Revised Code of the Consolidated City and County," regarding special funds, shall be and hereby is amended by the addition of a NEW Division 5, to read as follows:

DIVISION 5. REBUILDINDY FUND

Sec. 135-751. RebuildIndy fund created.

(a) There is hereby created a special fund, to be designated as the "RebuildIndy fund" in the Department of Public Works. The fund shall be a subfund of the Consolidated County Fund.

(b) The controller shall deposit in the RebuildIndy fund any moneys resulting from the transfer of the water and wastewater systems as provided by the agreements referred to and approved by Special Ordinance No. 7, 2010.

(c) This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of the year, and such balances shall not revert to the city or county general funds. No moneys derived from property taxes shall be deposited into this fund.

(d) The purpose of this fund is to provide revenue for expenses relating to capital improvement projects and the demolition or deconstruction of vacant or abandoned properties, together with costs and expenses incidental thereto, including certain costs and expenses related to the transactions contemplated by the agreements referred to and approved by Special Ordinance No. 7, 2010, and to fund liabilities excluded from the Escrow fund provided for by the agreement transferring the wastewater system referred to and approved by Special Ordinance No. 7, 2010.

(e) No moneys appropriated to the Department of Public Works may be expended from the RebuildIndy fund without the approval of the Director of the Department of Public Works and the approval of the Board of Public Works. Moneys from this fund shall be otherwise appropriated and expended in accordance with the procedures for expenditures of public funds.

(f) After the closing of the transactions contemplated by the agreements referred to and approved by

Special Ordinance No. 7, 2010, and following the reconciliation of accounts payable and accounts receivable on the water and the wastewater systems, such funds shall be transferred to the RebuildIndy fund.

(g) At such time as the two-year period of the escrow fund ends and all funds have been distributed from it in accordance with the agreement transferring the wastewater system referred to and approved by Special Ordinance No. 7, 2010, any remaining funds received by the City shall be deposited to the RebuildIndy fund.

(h) The controller shall report to the council on amounts deposited into the RebuildIndy fund in accordance with this section.

II.

Proposal No. 211, 2011 shall be and hereby is amended by the substitution of a new SECTION 11 for that which appears in the Proposal, to read as follows:

SECTION 11. Section 226-403 of the "Revised Code of the Consolidated City and County," regarding the bureau of environmental services, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 226-403. Bureau of environmental services.

(a) The bureau of environmental services hereby is established within the division of inspections. The bureau shall be managed by an administrator who is appointed by and serves at the pleasure of the deputy director of the division, subject to the approval of the director.

(b) The bureau of environmental services shall have the powers and duties to make inspections and otherwise enforce provisions of statutes or ordinances relating to the protection of the environment and ecology as required by statute or ordinance, or as assigned by the mayor, including but not limited to the following provisions of the Code:

- (1) Chapter 361, regarding litter;
- (2) Chapter 391, regarding nuisances;
- (3) Chapter 431, regarding streets, sidewalks and public ways;
- (4) Chapter 511, regarding air pollution;
- (5) Chapter 575, regarding environmental public nuisances;
- (6) Chapter 601, regarding garbage, trash and refuse; and
- (7) Chapter 671, Articles I, III and VI, regarding sewers and sewage disposal;
- (8) Chapter 672, regarding general discharge prohibitions and private wastewater disposal systems;
- (9) Chapter 706, regarding water conservation; and
- (710) Chapter 955, regarding waste, rubbish and trash hauling.

(c) Within the bureau of environmental services, the director of code enforcement shall designate the bureau administrator or another bureau employee to be the city inspector of weights and measures as provided in IC 24-6-3-4, and subject to the council's powers as provided in IC 36-3-4-23, for the purpose of requiring and securing of dealers and other persons accurate and honest weights and measures and so to serve the public welfare. The inspector of weights and measures and other employees of the bureau who make inspections with respect to weights and measures shall:

- (1) Have special police powers as provided in Chapter 251, art. VI of the Code;
- (2) At all times carry and present to any person, upon demand, a card inscribed with his or her name and official capacity, and upon such showing of his or her official authority he or she shall be permitted, at all reasonable times and hours, to enter any premises for the performance of his or her duties; and
- (3) Have the powers and duties to inspect and test, to the same extent and in all matters as now prescribed by statute, all articles whatsoever sold by weight or measure in the city.

III.

Revised Code Sec. 706-102, as amended in SECTION 24 of Proposal No. 211, 2011, shall be and hereby is amended by the substitution of a new definition of *customer* for that which appears in the Proposal, to read as follows:

Customer means an individual, firm, corporation, government agency or other entity being supplied with water utility service by ~~Indianapolis Water~~ Citizens Energy Group at a location within the county.

IV.

Revised Code Sec. 706-105(a)(5), as amended in SECTION 24 of Proposal No. 211, 2011, shall be and hereby is amended by the substitution of a new Sec. 706-105(a)(5) for that which appears in the Proposal, to read as follows:

- (5) Installing new landscaping or new lawn by using sod until return to normal conditions are declared by ~~Indianapolis Water~~ the mayor;

COMMITTEE ON RULES AND PUBLIC POLICY

COMMITTEE REPORT on the FISCAL IMPACT STUDY of COLLECTIVE BARGAINING AGREEMENT between the CITY OF INDIANAPOLIS and the INDIANA FRATERNAL ORDER OF POLICE LABOR COUNCIL, INC. for and on behalf of PARK RANGERS and PUBLIC SAFETY OFFICERS for the City of Indianapolis.

THE TENTATIVE AGREEMENT: The City of Indianapolis and the Indiana Fraternal Order of Police Labor Council, Inc. have approved a tentative collective bargaining agreement, a copy of which has been provided to the committee.

THE FISCAL IMPACT STUDY: The Controller prepared a Fiscal Impact Study as required by Sec. 291-610 of the Revised Code of the Consolidated City and County. A copy of that study is attached as Exhibit A to this report.

THE PUBLIC HEARING: The Committee on Rules and Public Policy held a public hearing on the Fiscal Impact Study on Wednesday, August 10, 2011, as required by said Sec. 291-610.

THE COMMITTEE REPORT: After public hearing and consideration of the Fiscal Impact Study, the Committee accepts the Fiscal Impact Study as presented by the controller as accurate, and:

✓ determines the fiscal impact of the tentative agreement is acceptable and recommends finalizing the collective bargaining agreement as stated in the Fiscal Impact Study;

[OR]

___ determines the fiscal impact of the tentative agreement is unacceptable and recommends that the tentative agreement not be finalized unless modified in the following respects:

[insert committee reservations about the tentative agreement]

ACTION: The adoption of this report was moved by Councillor Vaughn, seconded by Councillor Lutz. The motion was passed by a vote of 3 ayes and 0 nays on the 10th day of August, 2011.


Chairperson